THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.6860 of 2005

ORDER:

It appears, the petitioner was the fair price shop dealer of Brahmanapally village, Gundala mandal, Nalgonda district. While so, his authorisation was suspended by order dated 30.6.2004. However, after conducting a detailed enquiry into the matter, the second respondent-Revenue Divisional Officer passed an order dated 22.7.2004 imposing a penalty of Rs.1,000/- for the irregularities committed by the petitioner. Thereafter, the second respondent seems to have reviewed his own order dated 22.7.2004 and passed orders dated 28.9.2004 cancelling the authorisation of the petitioner. Aggrieved by the same, petitioner filed appeal before the first respondent-Joint Collector. The first respondent by his order dated 31.1.2005 held that the second respondent has no power to review his own order dated 22.7.2004 under A.P. State Public Distribution System (Control) Order, 2001 and directed the second respondent to restore the dealership of the petitioner.

It seems, the petitioner misled the first respondent by suppressing certain facts. Therefore, the first respondent again taken up the matter and by order dated 28.2.2005 directed the second respondent to conduct an enquiry in that regard. Accordingly, the second respondent issued a show cause notice dated 3.3.2005 to the petitioner and after receiving explanation from the petitioner, cancelled the authorisation of the petitioner by order dated 14.3.2005. This punishment of cancellation was inflicted in view of the fact that the petitioner misled the first respondent while disposing of the appeal filed earlier against the orders passed by the second respondent dated 28.9.2004. All these information has been reflected in the affidavit filed by the

petitioner. According to the petitioner, he is ignorant of all these proceedings.

Be that as it may, now the second respondent passed a fresh order dated 14.3.2005 cancelling the dealership of the petitioner, therefore, it is always open for the petitioner to file a statutory appeal before the District Collector, Nalgonda questioning the said order. On filing such appeal, the District Collector shall entertain the same without taking any objection as to delay and maintainability since the impugned order is passed on the directions of the Joint Collector, and dispose of the same as per law.

With the above observation and direction, the writ petition is accordingly disposed of. No order as to costs.

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C.V.RAMULU, J

Date: 31.8.2006

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THE HON'BLE SRI JUSTICE C.V.RAMULU

31.8.2006

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.6860 of 2005

Dated: 31st August, 2006

Between:

Pendem Prabhakar

.. Petitioner

and

The Joint Collector,
Nalgonda and others.

.. Respondents